

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

HOUSE BILL 1521

5 By: Representative Hutchinson  
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7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE PROCEDURE FOR AN ELECTION AND TO  
10 REQUIRE AN ELECTION OF THE MEMBERS OF THE BOARD  
11 CREATED UNDER ARKANSAS CODE §6-11-101; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

15 AN ACT TO CREATE THE PROCEDURE FOR AN  
16 ELECTION AND TO REQUIRE AN ELECTION OF  
17 THE MEMBERS OF THE BOARD CREATED UNDER  
18 ARKANSAS CODE §6-11-101.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code 6-11-101 is amended to read as follows:  
24 6-11-101. Members.

25 (a)(1) This subsection (a) shall apply until January 1, 2003.

26 ~~(a)(1)(2)(A)~~ The State Board of Education shall be composed of  
27 twelve (12) members.

28 ~~(2)(B)~~ Beginning in 1999, the number of board members shall  
29 be reduced so that by the end of the year 2001, the board shall be composed of  
30 nine (9) members, two (2) to be selected from each congressional district of  
31 the state and the remainder to be appointed at large from within the state.  
32 The number of members shall be modified as follows:

33 ~~(A)(i)~~ Upon the expiration of the terms of two (2)  
34 board members in the year 1999, there shall be an appointment of one (1)  
35 member;

36 ~~(B)(ii)~~ Upon the expiration of the terms of two (2)

1 board members in the year 2000, there shall be an appointment of one (1)  
2 member; and

3 ~~(c)(iii)~~ Upon the expiration of the terms of two (2)  
4 board members in the year 2001, there shall be an appointment of one (1)  
5 member.

6 ~~(b)(3)~~ The term of office of a member of the board shall be six  
7 (6) years.

8 ~~(e)(4)~~ The membership of the board shall reflect the diversity in  
9 general education.

10 ~~(d)(1)(5)(A)~~ No person may serve as a member of the board unless  
11 he is a qualified elector and is a person of high moral standards and  
12 recognized ability.

13 ~~(2)(B)~~ Neither the Director of the Department of Education  
14 nor any candidate for public office, holder of a public office in the state,  
15 school teacher, county or city superintendent, employee of a state-supported  
16 college or university, or member of any board of trustees of any state  
17 institution of higher learning shall serve as a member of the board.

18 ~~(e)(6)~~ The members of the board shall be appointed by the  
19 Governor, subject to the confirmation of the Senate, and shall take the oath  
20 of office for officers prescribed by the Constitution.

21 ~~(f)(1)(7)(A)~~ When a vacancy occurs in the membership of the  
22 board, the Governor shall appoint a successor to the person who has vacated  
23 the membership, who will serve the unexpired term of the person succeeded,  
24 subject to all other provisions of this section.

25 ~~(2)(B)~~ Resignation, removal from the district from which he  
26 is appointed, disqualification, incapacitation from mental or physical  
27 disability or otherwise, or change in status from the eligibility requirements  
28 for membership on the board shall automatically create a vacancy in the  
29 membership of the board, and no such member shall thereafter exercise any of  
30 the functions of membership on the board even though his successor has not  
31 been appointed.

32 ~~(g)(1)(8)(A)~~ Members of the board shall be subject to removal  
33 from office by the Governor when the actions or condition of a member shall be  
34 considered as sufficient cause for removal.

35 ~~(2)(B)~~ However, before a member may be removed for cause,  
36 this cause must have been accepted as true, good, and sufficient by a majority

1 written vote of all members of the board after a formal hearing at a regular  
2 or special session of the board.

3 ~~(h)(9)~~ The members of the board shall serve without remuneration  
4 but may receive expense reimbursement and stipends in accordance with § 25-16-  
5 901 et seq., as follows:

6 ~~(1)(A)~~ Their actual expenses while attending regular and  
7 special meetings of the board; and

8 ~~(2)(B)~~ A per diem allowance when in attendance at regular  
9 or special meetings of the board.

10 (b)(1) Effective January 1, 2003, the State Board of Education shall be  
11 composed of eight (8) members who shall be elected pursuant to this section.

12 (2)(A) At the November 2002 general election and at each general  
13 election thereafter, the electors of each congressional district shall elect  
14 two (2) members of the State Board of Education.

15 (B) The offices in each congressional district shall be  
16 designated as position 1 and position 2 and a candidate shall designate the  
17 position he or she is seeking.

18 (C) All elections for a position on the State Board of  
19 Education shall be nonpartisan, and the ballots shall show no party  
20 designation.

21 (D) The names of candidates to appear on the ballot in the  
22 general election shall have been certified as a nominee selected pursuant to  
23 Title 7, Chapter 7.

24 (E) Members shall be elected by a majority vote of the  
25 votes cast for each membership position.

26 (F)(i) If there are more than two (2) candidates for  
27 election to a position on the State Board of Education and if no candidate for  
28 the position receives a majority of the votes cast for the office, then there  
29 shall be a runoff election held in the congressional district.

30 (ii) The names of the two (2) candidates receiving  
31 the highest number of votes, but not a majority, shall be placed on the ballot  
32 to be voted upon by the qualified electors for that position on the State  
33 Board of Education.

34 (iii) The runoff election shall be held three (3)  
35 weeks following the date of the election.

36 (iv) The person receiving the majority of the votes

1 cast for the position at the runoff election shall be declared elected.

2 (G) If the two (2) candidates seeking election to the same  
 3 position on the State Board of Education receive the same number of votes, a  
 4 tie shall be deemed to exist. The Secretary of State shall determine the  
 5 winner by lot at an open public meeting and in the presence of the two (2)  
 6 candidates.

7 (H) The general election laws shall apply to the State  
 8 Board of Education election insofar as the election laws are not in conflict  
 9 with this section.

10 (3) Members of the State Board of Education shall be elected for  
 11 a two-year term.

12 (4)(A) To be eligible to be a candidate, a person shall be a  
 13 citizen of the United States and a resident of the congressional district.

14 (B) Neither the Director of the Department of Education nor  
 15 any candidate for public office, holder of a public office in the state,  
 16 school teacher, county or city superintendent, employee of a state-supported  
 17 college or university, or member of any board of trustees of any state  
 18 institution of higher learning shall serve as a member of the board.

19 (5)(A) If a vacancy occurs in the membership of the board, the  
 20 Governor shall appoint a successor pursuant to Amendment 29 of the Arkansas  
 21 Constitution.

22 (B) Resignation, removal from the district from which he or  
 23 she is elected, disqualification, incapacitation from mental or physical  
 24 disability or otherwise, or change in status from the eligibility requirements  
 25 for membership on the board shall automatically create a vacancy in the  
 26 membership of the board, and the member shall not thereafter exercise any of  
 27 the functions of membership on the board even though the successor has not  
 28 been appointed.

29 (6) The members of the board shall serve without remuneration but  
 30 may receive expense reimbursement for actual expenses while attending regular  
 31 and special meetings of the board in accordance with § 25-16-902 and stipends  
 32 in accordance with § 25-16-904.

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